

Office petition DAC #
#17
PATENT
P56138PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of:

MYOUNG-JIN KIM

Serial No.: 09/582,843

Filed: 5 July 2000

For: METHOD FOR INSPECTING INFERIORITY IN SHAPE

Examiner: AHMED, SAMIR ANWAR

Art Unit: 2623

PETITION UNDER 37 C.F.R. §1.313(c)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.313(c)(2), Applicant respectfully petitions the Commissioner to withdraw the above-captioned Application from issue in order to enable the Examiner to consider Applicant's simultaneously filed Request for Continued Examination pursuant 37 C.F.R. §1.114 and a duplicate copy of Applicant's Information Disclosure Statement filed on the 30th of April 2004, but apparently lost or misplaced within the Office, and as reasons therefore, states that:

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Folio: P56138PCT
Date: July 29, 2004
I.D.: REB/ny

STATEMENT OF FACTS

1. On or about the 30th of April 2004 applicant filed an Information Disclosure Statement, PTO-1449, one U.S. Patent, one Canadian Patent and one PCT WO Patent Publication, together with a copy of a Canadian Office action and the fee of \$180.00 incurred under 37 C.F.R. §1.97(c)(2) and §1.17(p).
2. Applicant simultaneously filed the same Information Disclosure Statement with the same three references together with a Canadian Office action in the above-captioned application for a Continuation application (Serial No.: 10/147,048; Applicant: Myoung-Jin KIM; Attorney Docket No. P56138A). The Office has received and acknowledged all of the three references and has issued a Notice of Allowance and Notice of Allowability (Paper No. 14) dated 21 July 2004.
3. Applicant subsequently timely paid the Issue Fee on the 5th of May 2004.
4. On the 27th of July 2004 applicant received Paper No. 14, in which the Examiner explained that only the first page of each of the references and the Canadian Office action have been received in the Office. The Examiner apparently was denied access to applicant's Information Disclosure Statement, to the complete text of each of the three references, to the complete text of the Canadian Office action, and to applicant's Information Disclosure Statement.
5. On Wednesday, the 28th of July 2004, the Supervisory Primary Examiner confirmed that all of these documents were withheld from the Examiner by the Office, and that

the Office was unable to retrieve the documents filed with applicant's Information Disclosure Statement.

6. Pursuant to 37 C.F.R. §1.313(c)(2), applicant is re-filing a duplicate copy of the Information Disclosure Statement, amended to include explanation of the Office's original loss of the references, simultaneously with a Request for Continued Examination of this application.

RELIEF REQUESTED

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The Commissioner is therefore, respectfully requested to:

- A. Withdraw the above-captioned application from issue;
- B. Accept the accompanying Request for Continued Examination;
- C. Provide the Examiner with the complete copy of applicant's Information Disclosure Statement;
- D. Refund payment of applicant's Issue Fee;
- E. Allow the Examiner to consider the accompanying Information Disclosure Statement; and
- F. Grant such other and further relief as justice may require.

Respectfully submitted,


Robert E. Bushnell
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N. W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Enclosures: Second Submission of Information Disclosure Statement, RCE, Fee transmittal with Check #45869 in amount of \$770.00, copies of post card receipt dated on 30 April 2004 and PTO-1449 for Continuation application (Serial No. 10/147,048, Attorney Docket No. P56138A)

Folio:P56138PCT
Date:7/29/04
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ROBERT E. BUSHNELL
LAW OFFICE

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P56138PCT

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RCE / SN: 09/582.843 / Myoung-Jin KIM

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⑆ SECURITY FEATURES INCLUDED. DETAILS ON BACK. ⑆

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